



Federal Communications Commission  
Washington, D.C. 20554

May 4, 2010

**DA 10-731**

**Released: May 4, 2010**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

KNVL-TV, Inc.  
P.O. Box 1020  
Nashville, Arkansas 71852-1020

KJEP-CA, Nashville, Arkansas  
Facility ID No. 35283  
NAL Acct. No. 0941420008

Dear Licensee:

The Chief, Video Division, has before her the April 26, 2010, Letter filed by KNVL-TV, Inc. ("Licensee"), licensee of Station KJEP-CA, Nashville, Arkansas. The Licensee requests reduction or cancellation of a Notice of Apparent Liability for Forfeiture issued to it in the amount of \$4,000 for violation of Section 73.673 of the Commission's Rules.<sup>1</sup> The violation involves Licensee's failure to provide information identifying programming specifically designed to educate and inform children to program guide publishers. By this action, we cancel the NAL.

*Background.* On January 26, 2005, Licensee filed an application to renew the license of Station KJEP-CA (the "Application") (File No. BRTTA-20050126AKB).<sup>2</sup> In Exhibit 24 of the Application and in a January 23, 2008 supplement to its Application, Licensee indicated that it did not provide information identifying its core programming to program guide publishers. Licensee asserted that it did not believe that it was required to submit such information to program guide publishers if the Station's program schedule was never published. Licensee suggested that it began sending its program schedule to publishers of program guides in approximately 2005, when it discovered that it was required to submit this information to publishers.

On December 19, 2008, the Bureau issued a Notice of Apparent Liability for Forfeiture ("NAL") in the amount of four thousand dollars (\$4,000) to Licensee for violating Section

---

<sup>1</sup> 47 C.F.R. § 73.673.

<sup>2</sup> The Commission's records reflect that the Licensee's application to convert its LPTV facilities to Class A facilities was granted on October 13, 2000. (BLTTA-20000802AED).

73.673 of the Rules.<sup>3</sup> In its April 26, 2010 Letter, Licensee stated that it had been providing publishers of program guides with information regarding its core programming. Licensee reported that the local newspaper confirmed receiving the schedule, but only published this information when it had paid sponsors from businesses within the community. Licensee also suggested that it is financially unable to pay the proposed forfeiture.

*Discussion.* The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Act,<sup>4</sup> Section 1.80 of the Rules,<sup>5</sup> and the Commission's *Forfeiture Policy Statement*.<sup>6</sup> In assessing forfeiture, Section 503(b)(2)(D) of the Act requires that we take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>7</sup>

Section 73.673 of the Rules requires licensees to provide information identifying programming specifically designed to educate and inform children to program guide publishers. At the time we issued the NAL, the forfeiture was based on Licensee's incorrect statement that it did not provide information identifying its core programming to program guide publishers. In its Letter, however, Licensee demonstrated that it had, in fact, been providing publishers of program guides with information regarding its core programming. Based upon the Licensee's showing of compliance with Section 73.673, we will cancel the forfeiture.

In view of the foregoing, KNVL-TV, Inc.'s April 26, 2010 Response to our December 19, 2008 NAL in the amount of \$4,000 IS GRANTED, and the Notice of Apparent Liability (NAL/Acct. No. 0941420008) for violation of Section 73.673 is HEREBY CANCELLED.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

---

<sup>3</sup> *KNVL-TV, Inc.*, 23 FCC Rcd 17895 (MB 2008).

<sup>4</sup> 47 U.S.C. § 503(b).

<sup>5</sup> 47 C.F.R. § 1.80.

<sup>6</sup> *The Commission's Forfeiture Policy Statement and Amendment of Section 180 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

<sup>7</sup> 47 U.S.C. § 503(b)(2)(D).